

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

<b>TREVOR FITZGIBBON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Civil Action No. 3:19-cv-477-REP</b>
	)	
<b>JESSELYN A. RADACK,</b>	)	
	)	
<b>Defendant.</b>	)	

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**DEFENDANT’S MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(1)**

Defendant Jesselyn A. Radack, by and through undersigned counsel, and pursuant to Fed. R. Civ. P. 12(b)(1) hereby moves to dismiss with prejudice the Second Amended Complaint filed herein by Plaintiff Trevor Fitzgibbon for lack of subject matter jurisdiction and in support thereof, respectfully refers the Court to the accompanying Memorandum in Support.

WHEREFORE, Jesselyn A. Radack respectfully requests that the Court grant the instant motion and enter the attached proposed Order.

Dated: January 6, 2020

Respectfully submitted,

JESSELYN A. RADACK

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D. Margeaux Thomas (VSB #75582)  
*Counsel for Defendant Jesselyn A. Radack*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 6<sup>th</sup> day of January 2020, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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